<u>REMARKS/ARGUMENTS</u>

Favorable reconsideration of this application, as presently amended and in light of the following discussion is respectfully requested.

Claims 1-21 are currently pending in the application; Claims 1, 10 and 16 having been amended by way of this present amendment. Support for amended Claims 1, 10 and 16 can be found in the original specification, claims and drawings. Thus, no new matter is presented.

In the outstanding Official Action, Claims 1-21 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 1-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over <u>Shumaker</u> ("AutoCAD and its Applications Advanced Release 14", the Goodheart-Wilcox Company, Inc. May 1998, hereinafter <u>Shumaker</u>) in view of <u>Young</u> (U.S. Patent No. 6,038,567, hereinafter <u>Young</u>).

Applicant acknowledge with appreciation the courtesy of the interview granted by Examiner Garcia-Otero on March 31, 2004 regarding the present application and co-pending Application Serial No. 09/984,374. During the interview, distinctions between the applied prior art and the claimed invention were discussed and proposed claim modifications were presented, which Examiner Garcia-Otero indicated would place the application in better condition to overcome the prior art of record. The substance of the interview is reflected in amended Claims 1, 10 and 16, as discussed below.

The outstanding Official Action rejects Claims 1-21 under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, language used in Claims 1, 4, 7, 10, 13 and 16 were cited as failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. As discussed in the interview, the instant specification claims priority to provisional Application Serial No. 60/128,560, which is entirely

incorporated therein by reference. The provisional application provides sufficient support for

the terms used in the above-mentioned claims, which were cited in the Official Action as

being indefinite. Furthermore, the provisional application provides support for the selection

of subsequent symbols (or design parameters) by providing a detailed flow diagram.

Therefore, based on the support provided by the provisional application, it is believed

that the 35 U.S.C. § 112, second paragraph, rejection of Claims 1-21 is now believed to be

overcome.

In response to the rejection to Claims 1-21 under 35 U.S.C. § 103(a), and in light of

the amendments made to the independent claims applicants respectfully traverse this

rejection.

As discussed during the interview, the present invention is directed to a utility station

automated design system and method that allows an engineer to design a unit substation or

other utility station, and prepare a materials list and cost estimate for such a design. The

computer-based tool includes a database holding both standard facility templates, as well as

equipment symbols that may be applied to one another, as selected by user, via a graphical

user interface to produce a 3-dimentional facility construction drawing set.

The user is presented with a series of options arranged to guide the user through the

process of designing the unit substation, using the symbols and templates, as selected by the

user. Moreover, the user is requested to select a predetermined standard substation

architecture, and once selected, the user is presented with a series of options regarding which

components are to be included within the standard configuration. Once selected, symbols

associated with the selected components, are selected by the user from a database, and

overlaid in layers with the assistance of the computer aided drawing package. The system

also allows subsequent selection of symbols to be dictated by the previous symbol, or

component selection, performed by the user.

Amended Claim 1 recites, *inter alia*, a system for designing a facility, comprising:

a storage mechanism configured to store a plurality of symbols, the symbols representing

components of the facility; and

> "...a server coupled to the storage mechanism and
> configured to display a plurality of predefined layouts of the
> facility, the server being loaded with an association mechanism
> that applies the symbols to the predefined layouts to generate a
> facility construction drawing set, wherein
> said association mechanism is configured to recognize a
> selection of at least one of a component of the facility and a
> design parameter for the facility, and based on said selection
> define which of at least one of said plurality of symbols of the
> facility and design parameters are candidates for a subsequent
> selection."

Shumaker describes a basic beginner level tutorial of how to customize AutoCAD,

and how to use the software on a beginner level. Shumaker is a general user's guide and

provides no specific details regarding any specific application of the AutoCAD software,

especially not the claimed association mechanism. The Official Action relies heavily upon a

portion of Shumaker, which describes specifically how to create a menu including user

customized drawing symbols[1], but does not describe or suggest the claimed association

mechanism.

The Official Action also relies upon Young, which describes a method and system for

propagating object properties in a desktop publishing program. Specifically, Young

describes a publishing software package, in which a first predefined layout may be used to

create newsletters, a second predefined layout may be used to create sales flyers, a third

predefined layout may be used to create wedding invitations, and so forth.[2]

Applicants respectfully traverse the rejection of Claim 1 as being obvious over

Shumaker in view of Young. The requirements for a *prima facie* case of obviousness are (1)

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[1] Shumaker at page 486.
[2] Young at column 1, lines 18-22.

there must be some suggestion or motivation in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine the reference teachings, (2) there must be a reasonable expectation of success, and (3) the prior art reference must teach or suggest all the claim limitations. It is respectfully submitted that the outstanding Official Action fails to make a *prima facie* case of obviousness because there is no suggestion or motivation to modify the reference to provide the presently claimed invention. Furthermore, the references, even if combined, fail to teach or suggest all the claim limitations.

Amended Claim 1 recites an association mechanism that applies symbols to the predefined layouts to generate a facility construction drawing set. The Official Action asserts that language in Shumaker describes various general functionalities of the AutoCAD system, which read on the claimed association mechanism[3]. However, Shumaker fails to describe an association mechanism that applies the symbols to layouts to generate a facility construction drawing set. Shumaker simply describes that various symbols can be created and stored by the user to allow for easy access to the created symbols by way of a menu driven system.[4] This functionality does not apply the symbols to layouts to generate a facility construction drawing set, as recited in amended Claim 1.

Claim 1 also recites an association mechanism that is configured to recognize a selection of at least one of a component of the facility and a design parameter for the facility, and based on said selection define which of at least one of said plurality of symbols of the facility and design parameters are candidates for subsequent selection. As described above, Shumaker describes creating an image tile menu file listing for creating various storable menus that allow the user to select various options from the drop-down menu and insert

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[3] Shumaker at page 3.
[4] Shumaker at page 486.

specific predefined components into a drawing. However, Shumaker does not describe that

the selection of a component is based on, or limited by the previous selection of a facility

component or symbol, as recited in amended Claim 1.

Furthermore, Shumaker fails to describe that a facility construction drawing set is

generated as a result of the system. Amended Claim 1 recites that the system is able to use

the generated symbols in conjunction with the predefined layouts to generate a facility

construction drawing set. This construction drawing set constitutes a completed set of

construction drawings that could be used to satisfactorily construct a facility. Shumaker

describes the AutoCAD system, which is capable of being used to generate a set of

construction drawings. However, Shumaker fails to teach or suggest that the AutoCAD

system uses predefined layouts and user-selected symbols to generate a facility construction

drawing set, as recited in amended Claim 1.

The Official Action admits that Shumaker does not disclose a plurality of predefined

layouts. In order to cure the deficiency of Shumaker the Official Action turns Young as

describing a plurality of predefined layouts.

However, Young is directed to a desktop publishing software program configured to

generate various layouts in the creation of a published document. Shumaker fails to provide

any suggestion or motivation to modify the reference so as to combine its teachings with the

teachings of Young. Young is a system directed to desktop publishing, whereas Shumaker is

describes an AutoCAD system used to customize the AutoCAD interface based on user

preferences. It would not have been obvious to one of ordinary skill in the art to combine the

teachings of Shumaker with the teachings of Young as the two clearly constitute non-

analogous art.

Furthermore, Shumaker fails to provide any motivation or suggestion to modify his

teachings with the teachings of Young. Shumaker describes how to customize the AutoCAD

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system within the parameters of the AutoCAD software. Thus, modifying Shumaker by

adding Young's capabilities the AutoCAD software would require modification beyond the

scope of that conveyed by Shumaker. Therefore, Shumaker provides no motivation to add to

it the capabilities disclosed by Young.

However, even if Shumaker were to be combined with Young the combination of the

references fails to teach or suggest all of the claim limitations.

As discussed above, neither Shumaker nor Young teach an association mechanism

configured to recognize a selection of at least a component of a facility and a design

parameter for the facility and based on said selection define which of at least one of said

plurality of symbols of the facility and design parameters are candidates for subsequent

selection, as recited in amended Claim 1.

Accordingly, Applicant requests that the rejection of amended Claim 1 under 35

U.S.C. § 103(a) be withdrawn. For substantially the same reason as given with respect to

amended Claim 1, it is also submitted that amended independent Claims 10 and 16 also

patentably define over the prior art of record.

Additionally, as discussed in the interview, attached hereto is a declaration under 37

C.F.R. § 1.132 showing evidence of commercial success of the claimed invention. The

declaration provides a nexus between the claimed invention and evidence of commercial

success in the form of a latest licensing agreement between the assignee of the claimed

invention and a licensee (General Electric) which purchased a product commensurate in

scope with the claimed invention. This evidence provides a clear indication that the novel

features of the claimed invention would not have been obvious over the prior art of record,

especially in view of the sophistication of the licensee. Moreover, the claimed invention

apparently is not obvious to General Electric, otherwise General Electric would have

developed their own version of the claimed invention (which it has not).

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-23 is definite and patentably distinguishing over the prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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